



General Assembly

February Session, 2012

**Raised Bill No. 388**

LCO No. 1812

\*01812\_\_\_\_\_TRA\*

Referred to Committee on Transportation

Introduced by:  
(TRA)

**AN ACT CONCERNING WARRANTIES APPLICABLE TO VESSELS  
AND MARINE ENGINES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2012*) (a) As used in this section  
2 and sections 2 to 10, inclusive, of this act: (1) "Consumer" means the  
3 purchaser, other than for purposes of resale, of a boat, a lessee of a  
4 boat, any person to whom such boat is transferred during the duration  
5 of an express warranty applicable to such boat and any person entitled  
6 by the terms of such warranty to enforce the obligations of the  
7 warranty; and (2) "boat" means a passenger boat or motor or a  
8 passenger and commercial boat or motor that is sold or leased in this  
9 state.

10 (b) If a new boat does not conform to all applicable express  
11 warranties, and the consumer reports the nonconformity to the  
12 manufacturer, its agent or its dealer during the period of two years  
13 following the date of original delivery of the boat to a consumer the  
14 manufacturer, its agent or dealer shall make such repairs as are  
15 necessary to conform the boat to such express warranties,  
16 notwithstanding the fact that such repairs are made after the

17 expiration of the applicable period.

18 (c) No consumer shall be required to notify the manufacturer of a  
19 claim under this section and sections 5 to 8, inclusive, of this act, unless  
20 the manufacturer has clearly and conspicuously disclosed to the  
21 consumer, in the warranty or owner's manual, that written notification  
22 of the nonconformity is required before the consumer may be eligible  
23 for a refund or replacement of the boat. The manufacturer shall include  
24 with the warranty or owner's manual the name and address to which  
25 the consumer shall send such written notification.

26 (d) If the manufacturer or its agents or dealers are unable to  
27 conform the boat to any applicable express warranty by repairing or  
28 correcting any defect or condition which substantially impairs the use,  
29 safety or value of the boat to the consumer after a reasonable number  
30 of attempts, the manufacturer shall replace the boat with a new boat  
31 acceptable to the consumer, or accept return of the boat from the  
32 consumer and refund to the consumer, lessor and lienholder, if any, as  
33 their interests may appear, the following: (1) The full contract price,  
34 including, but not limited to, dealer preparation and transportation  
35 and installed options, (2) all collateral charges, including, but not  
36 limited to, sales tax, license and registration fees and similar  
37 government charges, (3) all finance charges incurred by the consumer  
38 after the consumer first reports the nonconformity to the  
39 manufacturer, agent or dealer and during any subsequent period when  
40 the boat is out of service by reason of repair, and (4) all incidental  
41 damages, as defined in section 42a-2-715 of the general statutes, less a  
42 reasonable allowance for the consumer's use of the boat. No dealer  
43 shall be held liable by the manufacturer for any refunds or boat  
44 replacements in the absence of evidence indicating that dealer repairs  
45 have been carried out in a manner inconsistent with the manufacturers'  
46 instructions. Refunds or replacements shall be made to the consumer,  
47 lessor and lienholder, if any, as their interests may appear. It shall be  
48 an affirmative defense to any claim under this section that (A) an  
49 alleged nonconformity does not substantially impair such use, safety

50 or value, or (B) a nonconformity is the result of abuse, neglect or  
51 unauthorized modifications or alterations of a boat by a consumer.

52 (e) It shall be presumed that a reasonable number of attempts have  
53 been undertaken to conform a boat to the applicable express  
54 warranties, if (1) the same nonconformity has been subject to repair  
55 four or more times by the manufacturer or its agents or dealers during  
56 the period of two years following the date of original delivery of the  
57 boat to a consumer but such nonconformity continues to exist, or (2)  
58 the boat is out of service by reason of repair for a cumulative total of  
59 thirty or more calendar days during the applicable period, determined  
60 pursuant to subdivision (1) of this subsection. Such two-year period  
61 and such thirty-day period shall be extended by any period of time  
62 during which repair services are not available to the consumer because  
63 of a war, invasion, strike or fire, flood or other natural disaster. No  
64 claim shall be made under this section unless at least one attempt to  
65 repair a nonconformity has been made by the manufacturer or its  
66 agent or a dealer or unless such manufacturer, its agent or a dealer has  
67 refused to attempt to repair such nonconformity.

68 (f) If a boat has a nonconformity which results in a condition which  
69 is likely to cause death or serious bodily injury if the boat is used, it  
70 shall be presumed that a reasonable number of attempts have been  
71 undertaken to conform such boat to the applicable express warranties  
72 if the nonconformity has been subject to repair at least twice by the  
73 manufacturer or its agents or dealers within the express warranty term  
74 or during the period of one year following the date of the original  
75 delivery of the boat to a consumer, whichever period ends first, but  
76 such nonconformity continues to exist. The term of an express  
77 warranty and such one-year period shall be extended by any period of  
78 time during which repair services are not available to the consumer  
79 because of war, invasion, strike or fire, flood or other natural disaster.

80 (g) (1) No boat which is returned to any person pursuant to any  
81 provision of this section and sections 2 to 10, inclusive, of this act or in

82 settlement of any dispute related to any complaint made under the  
83 provisions of this section and sections 2 to 10, inclusive, of this act and  
84 which requires replacement or refund shall be resold, transferred or  
85 leased in the state without clear and conspicuous written disclosure of  
86 the fact that such boat was so returned prior to resale or lease. Such  
87 disclosure shall be affixed to the boat and shall be included in any  
88 contract for sale or lease. The Commissioner of Consumer Protection  
89 shall, by regulations adopted in accordance with the provisions of  
90 chapter 54 of the general statutes, prescribe the form and content of  
91 any such disclosure statement and establish provisions by which the  
92 commissioner may remove such written disclosure after such time as  
93 the commissioner may determine that such boat is no longer defective.  
94 (2) If a manufacturer accepts the return of a boat from a consumer due  
95 to a nonconformity or defect, in exchange for a refund or a  
96 replacement boat, whether as a result of an administrative or judicial  
97 determination, an arbitration proceeding or a voluntary settlement, the  
98 manufacturer shall notify the department and shall provide the  
99 department with all relevant information, including the year, make,  
100 model, and identification number of the boat. The commissioner shall  
101 adopt regulations, in accordance with chapter 54 of the general  
102 statutes, specifying the format and time period in which such  
103 information shall be provided and the nature of any additional  
104 information which the commissioner may require.

105 (h) All express and implied warranties arising from the sale of a  
106 new boat shall be subject to the provisions of part 3 of article 2 of title  
107 42a of the general statutes.

108 (i) Nothing in this section shall in any way limit the rights or  
109 remedies which are otherwise available to a consumer under any other  
110 law.

111 (j) If a manufacturer has established an informal dispute settlement  
112 procedure which is certified by the Attorney General as complying in  
113 all respects with the provisions of subsection (b) of section 6 of this act,

114 the provisions of subsection (d) of this section concerning refunds or  
115 replacement shall not apply to any consumer who has not first  
116 resorted to such procedure.

117       Sec. 2. (NEW) (*Effective October 1, 2012*) A dealer or agent of a  
118 manufacturer shall, upon the request of a consumer, provide such  
119 consumer with copies of any paperwork or invoices related to repair  
120 work performed on such consumer's boat in accordance with the  
121 provisions of subsection (b) of section 1 of this act. Any person who  
122 violates any provision of this section shall be guilty of an infraction.

123       Sec. 3. (NEW) (*Effective October 1, 2012*) Each boat dealer and each  
124 person engaged in the business of leasing new boats shall, at the time  
125 of sale or execution of the lease of any new boat, deliver to the  
126 consumer, as defined in subdivision (1) of subsection (a) of section 1 of  
127 this act, written information, on a form approved by the Commissioner  
128 of Consumer Protection, that explains the new boat warranty and  
129 dispute settlement program established pursuant to sections 1 to 10,  
130 inclusive, of this act.

131       Sec. 4. (NEW) (*Effective October 1, 2012*) In any action by a consumer,  
132 as defined in subdivision (1) of subsection (a) of section 1 of this act,  
133 against the manufacturer of a boat, or the manufacturer's agent or  
134 dealer, based upon the alleged breach of an express or implied  
135 warranty made in connection with the sale or lease of such boat, the  
136 court, in its discretion, may award to the plaintiff consumer his costs  
137 and reasonable attorney's fees or, if the court determines that the  
138 action was brought without any substantial justification, may award  
139 costs and reasonable attorney's fees to the defendant.

140       Sec. 5. (NEW) (*Effective October 1, 2012*) (a) The Department of  
141 Consumer Protection shall provide an independent arbitration  
142 procedure for the settlement of disputes between consumers and  
143 manufacturers of boats that do not conform to all applicable warranties  
144 under the terms of section 1 of this act. The Commissioner of  
145 Consumer Protection shall establish one or more boat dispute

146 arbitration panels that shall consist of three members appointed by the  
147 commissioner, only one of whom may be directly involved in the  
148 manufacture, distribution, sale or service of any product. Members  
149 shall be persons interested in consumer disputes and shall serve  
150 without compensation for terms of two years at the discretion of the  
151 commissioner. In lieu of referring an arbitration dispute to a panel  
152 established under the provisions of this section, the department may  
153 refer an arbitration dispute to the American Arbitration Association in  
154 accordance with regulations adopted in accordance with the  
155 provisions of chapter 54 of the general statutes.

156 (b) If any boat purchased or leased at any time on or after October 1,  
157 2012, fails to conform to such applicable warranties, pursuant to  
158 section 1 of this act, a consumer may bring a grievance to an arbitration  
159 panel if the manufacturer of the boat has not established an informal  
160 dispute settlement procedure which the Attorney General has certified  
161 as complying in all respects with the requirements of section 1 of this  
162 act. The consumer may initiate a request for arbitration by calling a  
163 toll-free telephone number designated by the commissioner or by  
164 requesting an arbitration hearing in writing. The consumer shall file,  
165 on forms prescribed by the commissioner, any information deemed  
166 relevant to the resolution of the dispute and shall return the form  
167 accompanied by a filing fee of fifty dollars. Such complaint form shall  
168 offer the consumer a choice of presenting any subsequent testimony  
169 orally or in writing. Prior to submitting the complaint to an arbitration  
170 panel, the department shall conduct an initial review of the complaint.  
171 The department shall determine whether the complaint should be  
172 accepted or rejected for arbitration based on whether it alleges that the  
173 manufacturer has failed to comply with section 1 of this act. The filing  
174 fee shall be refunded if the department determines that a complaint  
175 does not allege a violation of any applicable warranty under the  
176 requirements of section 1 of this act. Upon acceptance of the complaint,  
177 the commissioner shall notify the manufacturer of the filing of a  
178 request for arbitration and shall obtain from the manufacturer, in  
179 writing, on a form prescribed by the commissioner, any information

180 deemed relevant to the resolution of the dispute. The manufacturer  
181 shall return the form not later than fifteen days after receipt, together  
182 with a filing fee of two hundred fifty dollars. A lessee who brings a  
183 grievance to an arbitration panel under this section shall, upon filing  
184 the complaint form provided for in this section, provide the lessor with  
185 notice by registered or certified mail, return receipt requested, and the  
186 lessor may petition the arbitration panel to be made a party to the  
187 arbitration proceedings. Initial determinations to reject a complaint for  
188 arbitration shall be submitted to an arbitration panel for a final  
189 decision upon receipt of a written request from the consumer for a  
190 review of the initial eligibility determination and a filing fee of fifty  
191 dollars. If a complaint is accepted for arbitration, an arbitration panel  
192 may determine that a complaint does not allege that the manufacturer  
193 has failed to comply with the provisions of section 1 of this act at any  
194 time before such panel renders its decision on the merits of the  
195 dispute. The fee accompanying the consumer's complaint form shall be  
196 refunded to the consumer and the fee accompanying the form filed by  
197 the manufacturer shall be refunded to the manufacturer if the  
198 arbitration panel determines that a complaint does not allege a  
199 violation of the provisions of section 1 of this act.

200 (c) The department shall investigate, gather and organize all  
201 information necessary for a fair and timely decision in each dispute.  
202 The commissioner may issue subpoenas on behalf of any arbitration  
203 panel to compel the attendance of witnesses and the production of  
204 documents, papers and records relevant to the dispute. The  
205 department shall forward a copy of all written testimony, including all  
206 documentary evidence, to an independent technical expert having a  
207 degree or other credentials from a nationally recognized organization  
208 or institution attesting to boat building and repair expertise, who shall  
209 review such material and be available to advise and consult with the  
210 arbitration panel. An expert shall sit as a nonvoting member of an  
211 arbitration panel whenever oral testimony is presented. An arbitration  
212 panel shall, as expeditiously as possible, but not later than sixty days  
213 after the time the consumer files the complaint form together with the

214 filing fee, render a fair decision based on the information gathered and  
215 disclose its findings and the reasons therefor to the parties involved.  
216 The failure of the arbitrators to render a decision within sixty days  
217 shall not void any subsequent decision or otherwise limit the powers  
218 of the arbitrators. The arbitration panel shall base its determination of  
219 liability solely on whether the manufacturer has failed to comply with  
220 the provisions of section 1 of this act. The arbitration decision shall be  
221 final and binding as to the rights of the parties pursuant to section 1 of  
222 this act, subject only to judicial review as set forth in this subsection.  
223 The decision shall provide appropriate remedies, including, but not  
224 limited to, one or more of the following:

225 (1) Replacement of the boat with an identical or comparable new  
226 boat acceptable to the consumer;

227 (2) Refund of the full contract price, plus collateral charges as  
228 specified in subsection (d) of section 1 of this act;

229 (3) Reimbursement for expenses and compensation for incidental  
230 damages as specified in subsection (d) of section 1 of this act; or

231 (4) Any other remedies available under the applicable warranties,  
232 section 1 of this act, this section and sections 6 to 8, inclusive, of this act  
233 other than repair of the boat. The decision shall specify a date for  
234 performance and completion of all awarded remedies.  
235 Notwithstanding any provision of the general statutes or any  
236 regulation, the department shall not amend, reverse, rescind or revoke  
237 any decision or action of an arbitration panel. The department shall  
238 contact the consumer, not later than ten business days after the date for  
239 performance, to determine whether performance has occurred. The  
240 manufacturer shall act in good faith in abiding by any arbitration  
241 decision. In addition, either party to the arbitration may make  
242 application to the Superior Court for the judicial district in which one  
243 of the parties resides or, when the court is not in session, any judge  
244 thereof for an order confirming, vacating, modifying or correcting any  
245 award, in accordance with the provisions of this section and sections

246 52-417, 52-418, 52-419 and 52-420 of the general statutes. Upon filing  
247 such application the moving party shall mail a copy of the application  
248 to the Attorney General and, upon entry of any judgment or decree,  
249 shall mail a copy of such judgment or decree to the Attorney General.  
250 A review of such application shall be confined to the record of the  
251 proceedings before the arbitration panel. The court shall conduct a de  
252 novo review of the questions of law raised in the application. In  
253 addition to the grounds set forth in sections 52-418 and 52-419 of the  
254 general statutes, the court shall consider questions of fact raised in the  
255 application. In reviewing questions of fact, the court shall uphold the  
256 award unless it determines that the factual findings of the arbitrators  
257 are not supported by substantial evidence in the record and that the  
258 substantial rights of the moving party have been prejudiced. If the  
259 arbitrators fail to state findings or reasons for the award, or the stated  
260 findings or reasons are inadequate, the court shall search the record to  
261 determine whether a basis exists to uphold the award. If it is  
262 determined by the court that the manufacturer has acted without good  
263 cause in bringing an appeal of an award, the court, in its discretion,  
264 may grant to the consumer costs and reasonable attorney's fees. If the  
265 manufacturer fails to perform all awarded remedies by the date for  
266 performance specified by the arbitrators, and the enforcement of the  
267 award has not been stayed pursuant to subsection (c) of section 52-420  
268 of the general statutes, then each additional day the manufacturer  
269 wilfully fails to comply shall be deemed a separate violation for  
270 purposes of section 8 of this act.

271 (d) The department shall maintain such records of each dispute as  
272 the commissioner may require, including an index of disputes by  
273 brand name and model. The department shall annually compile and  
274 maintain statistics indicating the record of manufacturer compliance  
275 with arbitration decisions and the number of refunds or replacements  
276 awarded. A copy of the statistical summary shall be filed with the  
277 commissioner. The summary shall be a public record.

278 (e) If a manufacturer has not established an informal dispute

279 settlement procedure certified by the Attorney General as complying  
280 with the provisions of section 1 of this act, public notice of the  
281 availability of the department's boat dispute settlement procedure  
282 shall be prominently posted in the place of business of each new boat  
283 dealer. The Commissioner of Consumer Protection shall determine the  
284 size, type face, form and wording of the sign required by this section,  
285 which shall include the toll-free telephone number and the address to  
286 which requests for the department's arbitration services may be sent.

287 (f) Any consumer injured by the operation of any procedure which  
288 does not conform with procedures established by a manufacturer  
289 pursuant to subsection (b) of section 6 of this act may appeal any  
290 decision rendered as the result of such a procedure by requesting  
291 arbitration de novo of the dispute by an arbitration panel. Filing  
292 procedures and fees for appeals shall be the same as those required in  
293 subsection (b) of this section. The findings of the manufacturer's  
294 informal dispute settlement procedure may be admissible in evidence  
295 at such arbitration panel hearing and in any civil action subsequently  
296 arising out of any warranty obligation or matter related to the dispute.  
297 Any consumer so injured may, in addition, request the Attorney  
298 General to investigate the manufacturer's procedure to determine  
299 whether its certification shall be suspended or revoked after proper  
300 notice and hearing. The Attorney General shall establish procedures  
301 for processing such consumer complaints and maintain a record of the  
302 disposition of such complaints, which record shall be included in the  
303 annual report prepared in accordance with the provisions of  
304 subsection (a) of section 6 of this act.

305 (g) The Commissioner of Consumer Protection shall adopt  
306 regulations, in accordance with the provisions of chapter 54 of the  
307 general statutes, to carry out the purposes of this section. Written  
308 copies of the regulations and appropriate arbitration hearing  
309 procedures shall be provided to any person upon request.

310 Sec. 6. (NEW) (*Effective October 1, 2012*) (a) The Attorney General

311 shall prepare an annual report evaluating the operation of informal  
312 dispute settlement procedures established by manufacturers of new  
313 boats and shall issue a certificate of approval to those manufacturers  
314 whose settlement procedures comply with the provisions of subsection  
315 (b) of this section. The report and certification shall be public records.  
316 The Attorney General or an agent authorized by the Attorney General  
317 may conduct any inquiry or investigation in connection with the  
318 certification or evaluation of a manufacturer's informal dispute  
319 settlement procedure and may hold hearings, issue subpoenas  
320 requiring the attendance of witnesses and the production of records,  
321 documents or other evidence in connection therewith, administer  
322 oaths, examine witnesses, receive oral and documentary evidence and  
323 issue written interrogatories prescribing a return date which would  
324 allow a reasonable time to respond, which responses shall be under  
325 oath. Service of subpoenas compelling testimony or the production of  
326 documents and written interrogatories as provided in this section, may  
327 be made by (1) personal service or service at the usual place of abode;  
328 or (2) registered or certified mail, return receipt requested, a duly  
329 executed copy of which shall be addressed to the person to be served  
330 at such person's principal place of business in this state, or, if such  
331 person has no principal place of business in this state, to such person's  
332 principal office or to such person's residence. In the event that any  
333 person fails to comply with a subpoena or with interrogatories issued  
334 pursuant to this section, the Attorney General or an agent authorized  
335 by the Attorney General may apply to the superior court for the  
336 judicial district of Hartford for compliance, which court may, upon  
337 notice to such person, issue an order requiring such compliance, which  
338 shall be served upon such person. Hearings under this subsection shall  
339 be held in the manner provided for contested cases under sections 4-  
340 176e to 4-181a, inclusive, of the general statutes, except that no  
341 informal disposition may be made by stipulation, agreed settlement,  
342 consent order or default, in any proceeding concerning the certification  
343 of a boat manufacturer's informal dispute settlement procedure unless  
344 such proceeding is open to the public in accordance with the

345 provisions of section 1-225 of the general statutes. The Attorney  
346 General, after notice and hearing, may suspend or revoke the  
347 certification of a boat manufacturer's informal dispute settlement  
348 procedure which violates the provisions of subsection (b) of this  
349 section. Any person aggrieved by a decision of the Attorney General or  
350 the Attorney General's authorized agent, may appeal in accordance  
351 with the provisions of sections 4-183 and 4-184 of the general statutes.  
352 Section 4-184a of the general statutes shall be applicable to such  
353 appeals. Hearings, meetings and conferences, except telephone  
354 conversations, relating to evaluation and certification shall be open to  
355 the public in accordance with the provisions of section 1-225 of the  
356 general statutes. If the Attorney General certifies a manufacturer's  
357 informal dispute settlement procedure, the provisions of subsection (d)  
358 of section 1 of this act concerning refunds or replacement shall not  
359 apply to any consumer who has not first resorted to such procedure. A  
360 copy of the Attorney General's report and certification shall be  
361 forwarded by the Attorney General to the Commissioner of Consumer  
362 Protection

363 (b) A manufacturer's informal dispute procedure shall not include  
364 any practices that: (1) Delay a decision in any dispute beyond sixty  
365 days after the date on which the consumer initially resorts to the  
366 informal dispute settlement procedure either by telephone or by  
367 written notification that a dispute exists; (2) delay performance of  
368 remedies awarded in a settlement beyond ten days after receipt of  
369 notice of the consumer's acceptance of the decision, except that a  
370 manufacturer may have thirty days following the date of such receipt  
371 to deliver a replacement of a boat acceptable to the consumer or to  
372 refund the full contract price of the boat together with all collateral  
373 charges, and all consequential and incidental damages, as provided in  
374 section 1 of this act; (3) require the consumer to make the boat  
375 available more than once for inspection by a manufacturer's  
376 representative, and more than once for repair of the same defect by a  
377 dealer, in which cases, the manufacturer of the defective boat shall  
378 provide for the loan of a reliable boat, not more than two years old, for

379 use during the periods required for inspection or repair; (4) fail to  
380 consider in decisions any remedies provided by sections 1, 5, 7 and 8 of  
381 this act, such remedies to include (A) repair, replacement and refund,  
382 (B) reimbursement for expenses and collateral charges, (C)  
383 compensation for consequential and incidental damages, as provided  
384 in section 1 of this act, and (D) any other remedies available under  
385 applicable express or implied warranties; or (5) fail to conform to all  
386 applicable standards and requirements of sections 1 to 10, inclusive, of  
387 this act in the processing of consumer complaints.

388 (c) Any manufacturer operating or participating in an informal  
389 dispute settlement procedure for resolving disputes with consumers in  
390 this state shall be required to maintain records that indicate the  
391 number of: (1) Boats sold in this state during the reporting period; (2)  
392 telephone and written requests from consumers to enter the dispute  
393 resolution program; (3) requests rejected as ineligible for the program;  
394 (4) requests accepted for resolution by the program; (5) cases in which  
395 a decision was reached and the manufacturer has complied with the  
396 decision within the time period for compliance established by the  
397 decision; (6) cases in which a decision was reached and the  
398 manufacturer's compliance occurred after the expiration of the time  
399 period for compliance established by the decision; (7) cases in which a  
400 decision was reached, the time period for compliance has expired and  
401 the manufacturer has not complied with such decision; (8) cases in  
402 which a decision was reached and the time period for compliance has  
403 not yet expired; (9) cases in which a decision awarded no relief to the  
404 consumer; (10) cases in which a decision awarded the consumer  
405 further repair or extended warranty; (11) cases in which a decision  
406 required the manufacturer to accept the return of the boat and a refund  
407 was issued to the consumer; (12) cases in which a decision required the  
408 manufacturer to accept the return of the boat and a replacement boat  
409 was provided to the consumer; (13) cases in which a decision is  
410 pending; (14) cases in which the consumer accepted the decision; (15)  
411 cases in which the consumer rejected the decision; and (16) cases  
412 resolved by predecision settlement.

413 Sec. 7. (NEW) (*Effective October 1, 2012*) The Commissioner of  
414 Consumer Protection may request institution of proceedings against  
415 any manufacturer found to have failed to comply with the provisions  
416 of sections 1, 5, 6 and 8 of this act.

417 Sec. 8. (NEW) (*Effective October 1, 2012*) A violation of any of the  
418 provisions of section 1 of this act and sections 5 to 7, inclusive, of this  
419 act, shall be deemed an unfair or deceptive trade practice under  
420 subsection (a) of section 42-110b of the general statutes.

421 Sec. 9. (NEW) (*Effective October 1, 2012*) Notwithstanding the  
422 provisions of any general statute, regulation or grant of authority, no  
423 filing fee or statement required under the provisions of section 5 of this  
424 act shall be waived, refunded, reduced or withheld from use, by the  
425 state pursuant to any contract, stipulated settlement, consent order,  
426 administrative directive or by any other means except as provided in  
427 sections 1 to 10, inclusive, of this act or by order of a court of  
428 competent jurisdiction made upon proof of economic hardship and a  
429 finding that such settlement, consent order, directive or other action is  
430 in the public interest.

431 Sec. 10. (NEW) (*Effective October 1, 2012*) In any action by a  
432 consumer who is a lessee against the manufacturer of a boat, or the  
433 manufacturer's agent or dealer, based upon the alleged breach of an  
434 express or implied warranty made in connection with the lease of such  
435 boat pursuant to section 1 of this act, the lessee shall, at the time of the  
436 service of process upon such manufacturer, manufacturer's agent or  
437 dealer, notify the lessor of such boat of such action by registered or  
438 certified mail, return receipt requested, and such lessor may petition  
439 the court to be made a party to the proceedings.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	New section
Sec. 2	<i>October 1, 2012</i>	New section

Sec. 3	<i>October 1, 2012</i>	New section
Sec. 4	<i>October 1, 2012</i>	New section
Sec. 5	<i>October 1, 2012</i>	New section
Sec. 6	<i>October 1, 2012</i>	New section
Sec. 7	<i>October 1, 2012</i>	New section
Sec. 8	<i>October 1, 2012</i>	New section
Sec. 9	<i>October 1, 2012</i>	New section
Sec. 10	<i>October 1, 2012</i>	New section

***Statement of Purpose:***

To expand the state Lemon Law to include boats in order to give boat owners the opportunity to have their money refunded if the purchased boat does not meet performance standards.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*