

RECREATIONAL VEHICLE FRANCHISE ACT (EXCERPT)
Act 33 of 2009

445.1939 Warrantor; prohibited conduct; indemnification; "products" and "warranted products" defined.

Sec. 19.

(1) A warrantor shall not do any of the following:

(a) Fail to perform all of its warranty obligations with respect to a warranted product.

(b) In any written notice of a factory campaign to recreational vehicle owners and dealers, fail to include the expected date by which necessary parts and equipment, including tires and chassis or chassis parts if required, will be available to dealers to perform the campaign work. The warrantor shall provide sufficient parts to the dealer to perform the campaign work. If the number of parts provided to the dealer under this subdivision exceed the dealer's requirements to perform the campaign work, the dealer may return unused parts to the warrantor for credit after completion of the campaign.

(c) Subject to section 23, fail to compensate a dealer for authorized repairs of warranted products damaged during the manufacturing process, or damaged while in transit to the dealer if the warrantor selected the carrier.

(d) Fail to compensate a dealer for authorized warranty service under this section in accordance with the applicable schedule of compensation provided to the dealer under section 17 if the warranty service is performed in a timely and competent manner.

(e) Intentionally misrepresent in any way to a purchaser of a warranted product that any warranty concerning the manufacture, performance, or design of the warranted product is made by the dealer either as a warrantor or co-warrantor.

(f) Require a dealer to make warranties to customers in any manner related to the manufacture of a warranted product.

(2) A warrantor shall indemnify the dealer for any money paid or costs incurred by a dealer in connection with a claim or cause of action asserted against the dealer, to the extent that payment or those costs are based on the negligence or intentional conduct of the warrantor. A warrantor may not limit the obligation to indemnify described in this subsection by agreement with the dealer. The dealer shall provide a warrantor with a copy of any claim or complaint in which an allegation described in this subsection is made within 10 days after receiving that claim or complaint.

(3) As used in this section and section 21:

(a) "Products" mean new recreational vehicles or parts, accessories, or components of new recreational vehicles.

(b) "Warranted products" mean products subject to a warranty from a specific warrantor.

History: 2009, Act 33, Eff. Dec. 1, 2009