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**DIVISION 3. OBLIGATIONS [1427 - 3273.69]** ( *Heading of Division 3 amended by Stats. 1988, Ch. 160, Sec. 14.*  )

**PART 4. OBLIGATIONS ARISING FROM PARTICULAR TRANSACTIONS [1738 - 3273.69]** ( *Part 4 enacted 1872.*  )

**TITLE 1.7. CONSUMER WARRANTIES [1790 - 1797.96]** ( *Title 1.7 added by Stats. 1970, Ch. 1333.*  )

**CHAPTER 1.5. Motor Vehicle Warranty Adjustment Programs [1795.90 - 1795.93]** ( *Chapter 1.5 added by Stats. 1993, Ch. 814, Sec. 1.*  )

**1795.90.** For purposes of this chapter:

- (a) "Consumer" means the purchaser, other than for purposes of resale, of a motor vehicle, a lessee of a motor vehicle, any person to whom the motor vehicle is transferred during the duration of an express warranty applicable to that motor vehicle, and any person entitled by the terms of the warranty to enforce the obligations of the warranty.
- (b) "Manufacturer" means any person, firm, or corporation, whether resident or nonresident, that manufactures or assembles motor vehicles for sale or distribution in this state. In the case of motor vehicles not manufactured in the United States, the term "manufacturer" shall also include any person, firm, or corporation that is engaged in the business of importing motor vehicles.
- (c) "Dealer" means any person, firm, or corporation selling or agreeing to sell in this state one or more new motor vehicles under a retail agreement with a manufacturer, manufacturer branch, distributor, distributor branch, or agent of any of them.
- (d) "Adjustment program" means any program or policy that expands or extends the consumer's warranty beyond its stated limit or under which a manufacturer offers to pay for all or any part of the cost of repairing, or to reimburse consumers for all or any part of the cost of repairing, any condition that may substantially affect vehicle durability, reliability, or performance, other than service provided under a safety or emission-related recall campaign. "Adjustment program" does not include ad hoc adjustments made by a manufacturer on a case-by-case basis.
- (e) "Motor vehicle" means a motor vehicle, excluding motorcycles, motor homes, and off-road vehicles, which is registered in this state.
- (f) "Lessee" means any person who leases a motor vehicle pursuant to a written lease which provides that the lessee is responsible for repairs to the motor vehicle.
- (g) "Service bulletin" means any notice issued by a manufacturer and filed with the National Highway Traffic Safety Administration relating to vehicle durability, reliability, or performance.

(*Added by Stats. 1993, Ch. 814, Sec. 1. Effective January 1, 1994.*)

**1795.91.** Dealers shall have the following duties:

- (a) A dealer shall provide notice to prospective purchasers and lessees that provides information on how to get copies of service bulletins. This notice shall not be construed as an admission by the dealer or manufacturer of the existence or nonexistence of a vehicle defect.

The notice shall be deemed sufficient if posted in the showroom or other area conspicuous to motor vehicle purchasers and written in the following form:

FEDERAL LAW REQUIRES MANUFACTURERS TO FURNISH THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (NHTSA) WITH BULLETINS DESCRIBING ANY DEFECTS IN THEIR VEHICLES. THESE BULLETINS ARE NOT RECALLS.

YOU MAY OBTAIN COPIES OF THESE TECHNICAL SERVICE BULLETINS FROM THE NHTSA, THE MANUFACTURER (ASK YOUR DEALER FOR THE TOLL-FREE NUMBER), OR

CERTAIN CONSUMER PUBLICATIONS, WHICH PUBLISH THESE BULLETINS. SOME COMPANIES WILL SEND THEM TO YOU, FOR A FEE.

(b) A dealer shall disclose to a consumer seeking repairs for a particular condition at its repair shop, the principal terms and conditions of the manufacturer's adjustment program covering the condition if the dealer has received a service bulletin concerning the adjustment program.

*(Amended by Stats. 2019, Ch. 490, Sec. 1. (AB 596) Effective January 1, 2020.)*

**1795.92.** Manufacturers shall have the following duties:

(a) A manufacturer shall, within 90 days of the adoption of an adjustment program, subject to priority for safety or emission-related recalls, notify by first-class mail all owners or lessees of motor vehicles eligible under the program of the condition giving rise to and the principal terms and conditions of the program.

(b) Copies of all notices mailed in accordance with subdivision (a) shall be sent to the New Motor Vehicle Board within the Department of Motor Vehicles and made available for public inquiries.

(c) A manufacturer shall, within 30 days of the adoption of any new adjustment program, notify its dealers, in writing, of all the terms and conditions thereof.

(d) A manufacturer who establishes an adjustment program shall implement procedures to assure reimbursement of each consumer eligible under an adjustment program who incurs expenses for repair of a condition subject to the program prior to acquiring knowledge of the program. The reimbursement shall be consistent with the terms and conditions of the particular program. The manufacturer shall notify the consumer within 21 business days of receiving a claim for reimbursement whether the claim will be allowed or denied. If the claim is denied, the specific reasons for the denial shall be stated in writing.

(e) Any consumer who, prior to acquiring knowledge of an adjustment program, incurs expenses for repair of a condition subject to the adjustment program may file a claim for reimbursement under subdivision (d). The claim shall be made in writing to the manufacturer within two years of the date of the consumer's payment for repair of the condition.

*(Added by Stats. 1993, Ch. 814, Sec. 1. Effective January 1, 1994.)*

**1795.93.** Nothing in this chapter shall be construed to exclude, modify, or otherwise limit any other remedy provided by law to a consumer or lessee.

*(Added by Stats. 1993, Ch. 814, Sec. 1. Effective January 1, 1994.)*