



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 070400

Introduced May 10, 2007

Councilmember Clarke

**Referred to the
Committee on Licenses and Inspections**

AN ORDINANCE

Amending Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," by adding a new Section 9-630, entitled "Sale of Used Cars," providing for protections against sale of cars in need of substantial repairs, commonly known as a "lemon law"; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 9 of The Philadelphia Code is amended to read as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS.

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CHAPTER 9-600. SERVICE AND OTHER BUSINESSES.

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§ 9-630. Sale of Used Cars.

(1) For purposes of this Section,

(a) A "Licensed Mechanic" shall be any person authorized by the Pennsylvania Department of Transportation to perform an inspection under 75 Pa. C.S. § 4702 or any regulations promulgated thereunder.

(b) An "Undisclosed Major Structural Defect" shall be any defect in a motor vehicle that was not disclosed in writing by the seller to the purchaser and that would cause a person of ordinary prudence not to purchase or drive such vehicle.

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(2) Any person who purchases a used motor vehicle from a dealer in used or new motor vehicles shall have the right to return such vehicle to the dealer up to seventy-two (72) hours after taking delivery of the vehicle if the vehicle either:

(a) Is unable to pass a Pennsylvania vehicle safety inspection, emission inspection or other applicable inspection, all as provided for in 75 Pa. C.S. § 4702 and the regulations promulgated thereunder; or

(b) Is found by a Licensed Mechanic to have an Undisclosed Major Structural Defect.

(3) Upon return of any such vehicle, the dealer shall have the option of repairing the vehicle within seven (7) days of return so that it is capable of passing all applicable tests and any Undisclosed Major Structural Defect is repaired, or refunding all moneys paid for such vehicle, including any tax, delivery fees or other incidental charges.

(4) No sale shall be exempt from the provisions of this Section merely because the purchaser agreed to buy the vehicle “as is” or “without warranty,” unless the purchaser agrees, in writing, that the purchase is for “parts only.”

(5) No dealer in used or new motor vehicles shall sell any used motor vehicle unless such dealer informs the purchaser, in writing, at the time of sale, of the purchaser’s right of inspection and return set forth in this Section.

(6) In addition to the penalties set forth in Section 9-105, any dealer found to be in violation of this Section shall be subject to revocation of his or her business privilege license. The Department shall revoke a license pursuant to this subsection if, in its discretion, it determines that the violation was willful or repetitive. Upon good cause shown, the Department shall reinstate any such license no earlier than six (6) months after revocation.

Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.