

California AB 1755

What You Need to Know

- On September 29th, Governor Gavin Newsom signed California AB 1755 into law.
- This update to California's lemon law will benefit consumers and RV manufacturers and reduce the number of lemon law cases burdening the California judicial system and contains important changes that manufacturers need to be aware of.
- The legislation covers all RVs and requires lemon law claims to be made within **one year** after the expiration of the applicable express warranty but no later than **six years** after the date of original delivery.
- The legislation only impacts the portion of the Song-Beverly Act related to an action seeking restitution or replacement of an RV, or for civil penalties related to such request.
- The important changes for manufacturers to be aware of include:
 - A pre-dispute notice that incorporates new procedures and manufacturer deadlines to respond to such notice (this is technically a consumer option but manufacturers would be best served to assume consumers will choose it so as to not be caught flat-footed),
 - Time-based initial disclosure and documentation requirements for manufacturers, and
 - Early mandatory mediation.
- **Beginning January 1, 2025**, the law requires new litigation procedures which incorporates early mandatory mediation between the consumer and manufacturer when the consumer files a civil action seeking restitution or replacement.
- Discovery is stayed during this mediation process, except for a limited set of disclosures, documentation, and depositions, which must be completed within a strict set of timelines.

- Both the manufacturer and consumer must provide a prescribed list of documents to the other party within 60 days.
- Starting **April 1, 2025**, the consumer, prior to seeking civil penalties, is required to provide written notice to the manufacturer that demands restitution for or replacement of the vehicle.
- That notice is required to be sent via email to the email address provided by the manufacturer displayed prominently on the manufacturer's website or to the address provided in the owner's manual or warranty book.
 - The addresses must be specific to addressing the new requirements.
 - The contact information must be in both English and Spanish.
- The pre-dispute notice must be provided at least 30 days prior to seeking civil penalties and the consumer must have possession of the vehicle and must maintain possession for at least 30 days after the manufacturer acknowledges receipt of the notice.
- If the manufacturer does not offer restitution or replacement within 30 days of the receipt of the notice, the consumer can sell the vehicle and seek remedies, including civil penalties.
- If the manufacturer does offer restitution or replacement, the consumer must maintain possession of the vehicle for 60 days after the manufacturer's receipt of the notice.
- The consumer is not eligible to seek civil penalties, if:
 - The consumer files an action seeking restitution or replacement without first providing the pre-dispute notice; OR
 - Such notice is provided, but the manufacturer does offer restitution or replacement within 30 days of receipt of the notice and provides the restitution or replacement within 60 days.
- If the notice is provided and the manufacturer does not offer restitution or replacement within 30 days of the receipt of the notice and does not provide the restitution and replacement within 60 days, the consumer can seek remedies, including civil penalties.
- The legislation includes a new standardized SBA release template. A remedy shall not be contingent on the execution of any release other than this template.

Please contact Jason Rano, Vice President of Government Affairs, at jrano@rvia.org or Kyle Correa-Brady, Assistant General Counsel, at kcorrea-brady@rvia.org with any questions.