



Ohio Administrative Code Rule 109:4-4-03 Duties of warrantor.

Effective: October 10, 2003

(A) In order to qualify a board to hear its warranty disputes, a warrantor must comply with the provisions of this rule.

(B) The warrantor shall not incorporate into the terms of a written warranty a board that fails to comply with the requirements contained in this chapter. This paragraph shall not prohibit a warrantor from incorporating into the terms of a written warranty the step-by-step procedure which the consumer should follow in order to obtain performance under the warranty.

(C) The warrantor shall disclose clearly and conspicuously at least the following information on the face of the written warranty and on a sign posted in a conspicuous place within that area of the warrantor's agent's place of business to which consumers are directed by the warrantor:

(1) A statement of the availability of the board;

(2) The board's name, address, and a telephone number which consumers may use without charge;

(3) A statement of the requirement that the consumer resort to a qualified board before initiating a legal action under the act, together with a disclosure that, if a consumer chooses to seek redress by pursuing rights and remedies not created by the act, resort to the board would not be required by any provision of the act. This statement will be deemed to be disclosed if the warrantor or the warrantor's agent either posts a sign in a conspicuous place, or gives the consumer a separate form at the time of the initial face-to-face contact, which clearly and conspicuously contains the following language in boldface ten point type:

"NOTICE

**OHIO LAW REQUIRES YOU TO USE A QUALIFIED ARBITRATION PROGRAM BEFORE
SUING THE MANUFACTURER OVER NEW CAR WARRANTY DISPUTES. FAILURE TO**



ARBITRATE YOUR CLAIM MAY PRECLUDE YOU FROM MAINTAINING A LAWSUIT UNDER SECTION 1345.75 OF THE REVISED CODE."

(4) A statement, if applicable, indicating where further information about the board can be found in materials accompanying the motor vehicle, as provided in paragraph (D) of this rule.

(D) The warrantor shall include in the written warranty or in a separate section of materials accompanying the motor vehicle the following information:

(1) Either (a) a postage-paid post card addressed to the board requesting the information which a certified board may require for prompt resolution of warranty disputes; or (b) a telephone number of the board which consumers may use without charge;

(2) The name and address of the board;

(3) A brief description of board procedures;

(4) The time limits adhered to by the board; and

(5) The types of information which the board may require for prompt resolution of warranty disputes.

(E) The warrantor shall take steps reasonably calculated to make consumers aware of the existence of the board at the time consumers experience warranty disputes. Nothing contained in this chapter shall limit the warrantor's option to encourage consumers to seek redress directly from the warrantor. However, the warrantor cannot expressly require consumers to seek redress directly from the warrantor. The warrantor must clearly and conspicuously disclose to the consumer the following information:

(1) That the process of seeking redress directly from the warrantor is optional and may be terminated at any time by either the consumer or warrantor; and

(2) That, if the matter is submitted to a qualified board, a decision, which shall be binding on the



warrantor, will be rendered within forty days from the date that the board first receives notification of the dispute.

The warrantor shall proceed fairly and expeditiously to attempt to resolve all disputes submitted directly to the warrantor.

(F) The warrantor shall:

(1) Designate a contact person to receive notices for purposes of this chapter and Chapter 109:4-5 of the Administrative Code;

(2) Respond fully and promptly to reasonable requests by the board for information relating to disputes;

(3) Upon notification of any decision of the board that would require action on the part of the warrantor, perform any obligations required by the mechanism's decision.

(G) The warrantor shall act in good faith in performing a board's decision.

(H) The warrantor shall comply with any reasonable requirements imposed by the board to fairly and expeditiously resolve warranty disputes.