

**Tennessee §55-24-201 *et seq.***

55-24-205(a) It shall be presumed that a reasonable number of attempts have been undertaken to conform a motor vehicle to the applicable express warranties, if:

- (1) The same nonconformity has been subject to repair four (4) or more times by the manufacturer or its agents or authorized dealers, but such nonconformity continues to exist; or,
- (2) The vehicle is out of service by reason of repair for a cumulative total of thirty (30) or more calendar days during the term of protection.

**Texas §4413(36)3.08(1) *et seq.***

§4413(36)3.08(i)(d) There is a rebuttable presumption that a reasonable number of attempts have been undertaken to conform a motor vehicle to the applicable express warranties if:

- (1) the same nonconformity has been subject to repair four or more times by the manufacturer, converter, or distributor, its agent, or its franchise dealer and two of the repair attempts have been made within a period of 12 months following the date of original delivery to an owner, or 12,000 miles, whichever occurs first, and the other two repair attempts occur within the 12 months or 12,000 miles immediately following the date of the second repair attempt, whichever occurs first, but such nonconformity continues to exist; [or]
- (2) the same nonconformity creates a serious safety hazard and has caused the vehicle to have been subject to repair two or more times by the manufacturer, converter, or distributor, or an authorized agent or franchised dealer, and at least one attempt to repair the nonconformity was made in the period of 12 months or 12,000 miles, whichever occurs first, and at least one other attempt made in the period of 12 months or 12,000 miles after the first repair attempt, whichever occurs first, but the nonconformity continues to exist; or,
- (3) the vehicle is out of service for repair for a cumulative total of 30 or more days in the 24 months or 24,000 miles, whichever occurs first, and at least two repair attempts were made in the first 12 months or 12,000 miles immediately following the date of original delivery to an owner and a nonconformity still exists that substantially impairs the vehicle's use or market value.

**Utah §13-29-1 *et seq.***

13-20-5(1) It is presumed that a reasonable number of attempts have been undertaken to conform a **motor vehicle to the applicable express warranties, if:**

- (a) the same nonconformity has been subject to repair four or more times by the manufacturer,**  
its agent, or its authorized dealer within the express warranty term or during the one-year period following the date of original delivery of the motor vehicle to a consumer, whichever is earlier, but the nonconformity continues to exist; or,
- (b) the vehicle is out of service to the consumer because of repair for a cumulative total of 30 or more business days during the warranty term or during the one-year period,**  
whichever is earlier.

**Vermont Title 9, Chapter 115, §4170 *et seq.***

Chapter 115, §4170(g) It shall be presumed that a reasonable number of attempts have been undertaken to conform a motor vehicle to the applicable warranties if:

(1) the same nonconformity as identified in any written examination or repair order has been

subject to repair at least three times by the manufacturer, its agent or authorized dealer and at least the first repair attempt occurs within the express warranty term and the same nonconformity continues to exist, or,

(2) the vehicle is out of service by reason of repair of one or more nonconformity's, defects or conditions for a cumulative total of 30 or more calendar days during the term of the express warranty. \* \* \* \* A vehicle shall not be deemed out of service if it is available to the consumer for a major part of the day.

**Virginia §59.1-207.9 *et seq.***

§59.1-207.9B It shall be presumed that a reasonable number of attempts have been undertaken to conform a motor vehicle to any warranty and that the motor vehicle is significantly impaired if during the period of eighteen months following the date of original delivery of the motor vehicle to the consumer either:

(1) The same nonconformity has been subject to repair three or more times by the manufacturer, its agents or its authorized dealers and the same nonconformity continues to exist; [or]

(2) The nonconformity is a serious safety defect and has been subject to repair one or more times by the manufacturer, its agent or its authorized dealer and the same nonconformity continues to exist; or,

(3) The motor vehicle is out of service due to repair for a cumulative total of thirty calendar days, unless such repairs could not be performed because of conditions beyond the control of the manufacturer, its agents or authorized dealers, including war, invasion, strike, fire, flood or other natural disasters.

**Washington §19.118.005 *et seq.***

§ 19.118.005(2) Reasonable number of attempts, except in the case of a new motor vehicle that is a motor home acquired after June 30, 1998, shall be deemed to have been undertaken by the manufacturer, its agent, or the new motor vehicle dealer to conform the new motor vehicle to the warranty within the warranty period, if:

(a) The same serious safety defect has been subject to diagnosis or repair two or more times, at least one of which is during the period of coverage of the applicable manufacturer's written warranty, and the serious safety defect continues to exist; [or]

(b) the same nonconformity has been subject to diagnosis or repair four or more times, at least one of which is during the period of coverage of the applicable manufacturer's written warranty, and the nonconformity continues to exist; or,

(c) the vehicle is out of service by reason of diagnosis or repair of one or more nonconformity's for a cumulative total of thirty calendar days, at least fifteen of them during the period of the applicable manufacturer's written warranty. For purposes of this

subsection, the manufacturer's written warranty shall be at least one year after the date of the original delivery to the consumer of the vehicle or the first twelve thousand miles of operation, whichever occurs first.

**West Virginia §46A-6A-1 et seq. §46A-6A-5(a)**

It is presumed that a reasonable number of attempts have been undertaken to conform a new motor vehicle to the applicable express warranties, if the same nonconformity has been subject to repair three or more times by the manufacturer, its agents or its authorized dealers within the express warranty term or during the period of one year following the date of original delivery of the motor vehicle to the consumer, whichever is the earlier date, and the nonconformity continues to exist, or the vehicle is out of service by reason of repair for a cumulative total of thirty or more calendar days during the term or during the one-year period, whichever is the earlier date.

(b) If the nonconformity results in a condition which is likely to cause death or serious bodily injury if the vehicle is driven, it is presumed that a reasonable number of attempts have been undertaken to conform the vehicle to the applicable express warranties if the nonconformity has been subject to repair at least once by the manufacturer within the express warranty term or during the period of one year following the date of original delivery of the motor vehicle to a consumer, whichever is the earlier date, and the nonconformity continues to exist.

**Wisconsin §218.015 et seq.**

§218.015( h) "Reasonable attempt to repair" means any of the following occurring within the term of an express warranty applicable to a new motor vehicle or within one year after first delivery of the motor vehicle to a consumer, whichever is sooner:

(1) The same nonconformity with the warranty is subject to repair by the manufacturer, motor vehicle lessor or any of the manufacturer's authorized motor vehicle dealers at least 4 times and the nonconformity continues. [or]

(2) The motor vehicle is out of service for an aggregate of at least 30 days because of warranty nonconformity's.

**Wyoming §40-17-101 et seq.**

§40-17-101(d) It is presumed that a reasonable number of attempts have been undertaken to conform a motor vehicle to express warranty if within one (1) year following the original delivery of the motor vehicle to the consumer, whichever is later:

(i) The same nonconformity has been subject to repair more than three (3) times by the manufacturer, its agents or its authorized dealers and the same nonconformity continues to exist; or, (ii) The vehicle is out of service due to repair for a cumulative total of thirty (30) business days.