



Respondent will be permitted to exclude from its warranty coverage (1) damages caused by the use of unauthorized parts or services, the use of its vehicles for racing or competitions or the installation of parts designed for unauthorized uses of the vehicle, such as trailer hitches, and (2) all functional defects of powertrain components for any Harley-Davidson motorcycle registered in the United States if the vehicle was tuned using a tuning product not covered by a California Air and Resources Board Executive Order or that was otherwise approved by the Environmental Protection Agency, or if Harley-Davidson or any authorized Harley-Davidson dealer has any information to show that the vehicle was tuned using a tuning product not covered by a California Air and Resources Board Executive Order or that was otherwise approved by the Environmental Protection Agency.

Section II also requires Respondent to include language in the warranty that affirmatively notifies consumers of their rights to use third-party services and parts under the Magnuson-Moss Warranty Act and enjoins Respondent from misrepresenting any material facts to consumers about the warranty.

Sections III and IV require Respondent to inform its customers and authorized dealers and service providers that its warranty has been updated, and that the updated warranty is not conditioned on the use of authorized parts or services. Respondent must clearly and conspicuously post and keep on its website the notice and its updated warranty terms, and it must submit reports regarding its notification program.

Sections V through VII of the Proposed Order are reporting and compliance provisions, which include recordkeeping requirements and provisions requiring Respondent to provide information or documents necessary for the Commission to monitor compliance with the Proposed Order

merson3 (ovi) t dx f toposviam.006