

certain express warranties; providing for the duration of certain warranties; providing for repair of certain wheelchairs; providing for return and replacement of wheelchairs; providing the procedures for return of certain nonconforming wheelchairs; providing for calculation of refunds owed to consumers and security interest holders; providing procedures and requirements for transferring real and legal possession of a nonconforming wheelchair from the consumer to the manufacturer; prohibiting resale of returned nonconforming motorized wheelchairs without full disclosure; providing that any waiver of consumer rights under this Act is void; authorizing consumer actions for damages, fees, costs, and other equitable relief; making provisions of this Act severable; and generally relating to motorized wheelchair warranties.

BY adding to

Article - Commercial Law

Section 14-2701 through ~~14-2705~~ 14-2706, to be under the new subtitle "Subtitle 27. The Motorized Wheelchair Warranty Enforcement Act"

Annotated Code of Maryland

(1990 Replacement Volume and 1993 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Commercial Law

SUBTITLE 27. THE MOTORIZED WHEELCHAIR WARRANTY ENFORCEMENT ACT

14-2701.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "COLLATERAL COSTS" MEANS EXPENSES INCURRED BY A CONSUMER IN CONNECTION WITH THE REPAIR OF A NONCONFORMITY, INCLUDING THE COSTS OF OBTAINING AN ALTERNATIVE WHEELCHAIR OR OTHER DEVICE USED FOR MOBILITY ASSISTANCE.

(C) "CONSUMER" MEANS ANY OF THE FOLLOWING:

(1) THE PURCHASER OF A MOTORIZED WHEELCHAIR, IF THE MOTORIZED WHEELCHAIR WAS PURCHASED FROM A MOTORIZED WHEELCHAIR DEALER OR MANUFACTURER FOR PURPOSES OTHER THAN RESALE;

(2) A PERSON TO WHOM THE MOTORIZED WHEELCHAIR IS TRANSFERRED FOR PURPOSES OTHER THAN RESALE, IF THE TRANSFER OCCURS BEFORE THE EXPIRATION OF AN EXPRESS WARRANTY APPLICABLE TO THE MOTORIZED WHEELCHAIR;

(3) A PERSON WHO MAY ENFORCE THE WARRANTY; OR

(4) A PERSON WHO LEASES A MOTORIZED WHEELCHAIR FROM A MOTORIZED WHEELCHAIR LESSOR UNDER A WRITTEN LEASE.