

## Article - Commercial Law

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§14–2503.

(a) Within 30 days of the date of delivery, a purchaser of a hearing aid may cancel the purchase for any reason, by mailing or delivering a notice of cancellation to the seller of the hearing aid at the address specified in the contract.

(b) (1) Cancellation of the purchase entitles the purchaser to a refund of the entire consideration paid, less 10 percent for services and payments made for diagnostic tests.

(2) If the actual documented expenses incurred by the seller for the fitting, delivery, and return of the hearing aid to the manufacturer are in excess of 10 percent of the purchase price, the seller may retain an amount equal to these expenses only if:

(i) The amount is conspicuously identified as “nonrefundable” on the contract or bill of sale for the hearing aid; and

(ii) The total amount retained does not exceed 20 percent of the purchase price of the hearing aid.

(3) The seller shall deliver the refund to the purchaser if:

(i) The purchase is made at a place other than the place of business of the seller, within 30 days after the receipt of the notice of cancellation; and

(ii) The purchase agreement is made at the place of business of the seller, within 30 days after the return of the hearing aid.

(4) If a hearing aid is sold in a hospital or related institution, the seller must initiate a refund request with the accounting department of the selling hospital or related institution within 10 days after receiving the notice of cancellation from the purchaser.

(c) After cancellation of the purchase, if the hearing aid has been delivered to the purchaser, the purchaser must make the hearing aid available to the seller in substantially as good condition as when received.

(d) The right of cancellation may not be waived or otherwise surrendered.

(e) (1) The contract or bill of sale for the purchase of a hearing aid shall contain the following statement:

“You may cancel this purchase for any reason, at any time within 30 days after the date of delivery of the hearing aid. To cover the costs of dispensing the hearing aid, the seller may withhold from the refund 10 percent of the purchase price or the seller’s actual costs up to 20 percent of the purchase price.”

(2) The statement required under this subsection shall:

(i) Be in bold and conspicuous type of at least 10 point type; and

(ii) Appear on the same page as and above the space for the purchaser’s signature.

(f) (1) The seller shall provide to the purchaser at the time of delivery of the hearing aid a notice of cancellation that states the total refundable amount and contains the following information:

“Notice of Cancellation

You may cancel this purchase of a hearing aid within 30 days from the date of delivery of the hearing aid.

If you decide to cancel this contract:

1. You must provide notice of the cancellation in writing, within 30 days of the date of delivery of the hearing aid, to (the seller) at address of seller; and

2. You must make the hearing aid available to the seller, in substantially as good condition as when you received it.

The seller may not attempt to obtain a waiver of your rights to cancel.”

(2) If the hearing aid is sold at the seller’s place of business and the seller is not located within a hospital or other related institution, the notice shall contain the following statement:

“Cancellation entitles you to a refund of all money you paid, less (choose either 10 percent or the actual cost to the seller as provided in this section), within 30 days after you return the hearing aid to the seller.”

(3) If the hearing aid is sold by a seller affiliated with a hospital or other related institution, the notice shall contain the following statement:

“Cancellation entitles you to a refund of all money you paid, less (choose either 10 percent or the actual cost to the seller as provided in this section). The seller must initiate a request for the refund from the selling institution’s accounting department within 10 days after you return the hearing aid to the seller.”

(4) If the hearing aid is sold at a place other than the seller’s place of business the notice shall contain the following statement:

“Cancellation entitles you to a refund of all money you paid less (choose either 10 percent or the actual cost to the seller as provided in this section) within 30 days after the seller receives your notice of cancellation.”

(5) The notice of cancellation shall be in 10 point type.

(g) At the time of delivery, the seller shall complete the notice of cancellation by including the date of delivery and the date by which cancellation must be made.

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