
By: **Senator Van Hollen**
Introduced and read first time: February 2, 2001
Assigned to: Judicial Proceedings

Committee Report: Favorable
Senate action: Adopted
Read second time: March 14, 2001

CHAPTER _____

1 AN ACT concerning

2 **Automotive Warranty Enforcement Act - Jurisdiction**

3 FOR the purpose of establishing that the District Court and the circuit court have
4 concurrent jurisdiction in a proceeding for a replacement vehicle under the
5 Automotive Warranty Enforcement Act.

6 BY repealing and reenacting, without amendments,
7 Article - Commercial Law
8 Section 14-1502(c)
9 Annotated Code of Maryland
10 (2000 Replacement Volume and 2000 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article - Courts and Judicial Proceedings
13 Section 4-401(14) and (15) and 4-402
14 Annotated Code of Maryland
15 (1998 Replacement Volume and 2000 Supplement)

16 BY adding to
17 Article - Courts and Judicial Proceedings
18 Section 4-401(16)
19 Annotated Code of Maryland
20 (1998 Replacement Volume and 2000 Supplement)

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

1

Article - Commercial Law

2 14-1502.

3 (c) (1) If, during the warranty period, the manufacturer or factory branch,
4 its agent, or its authorized dealer is unable to repair or correct any defect or condition
5 that substantially impairs the use and market value of the motor vehicle to the
6 consumer after a reasonable number of attempts, the manufacturer or factory branch,
7 at the option of the consumer, shall:

8 (i) Replace the motor vehicle with a comparable motor vehicle
9 acceptable to the consumer; or

10 (ii) Accept return of the motor vehicle from the consumer and
11 refund to the consumer the full purchase price including all license fees, registration
12 fees, and any similar governmental charges, less:

13 1. A reasonable allowance for the consumer's use of the
14 vehicle not to exceed 15 percent of the purchase price; and

15 2. A reasonable allowance for damage not attributable to
16 normal wear but not to include damage resulting from a nonconformity, defect, or
17 condition.

18 (2) The manufacturer or factory branch shall make refunds under this
19 section to the consumer and lienholder, if any, as their interests appear on the records
20 of ownership maintained by the Motor Vehicle Administration.

21 (3) It is an affirmative defense to any claim under this section that the
22 nonconformity, defect, or condition:

23 (i) Does not substantially impair the use and market value of the
24 motor vehicle; or

25 (ii) Is the result of abuse, neglect, or unauthorized modifications or
26 alterations of the motor vehicle.

27

Article - Courts and Judicial Proceedings

28 4-401.

29 Except as provided in § 4-402 of this subtitle, and subject to the venue
30 provisions of Title 6 of this article, the District Court has exclusive original civil
31 jurisdiction in:

32 (14) A proceeding for a temporary peace order or peace order under Title
33 3, Subtitle 15 of this article; [and]

34 (15) A proceeding for condemnation and immediate possession of and title
35 to abandoned, blighted, and deteriorated property under authority granted in the

1 Code of Public Local Laws of a county, including Baltimore City, where the estimated
2 value of the property does not exceed \$25,000[.]; AND

3 (16) A PROCEEDING FOR A REPLACEMENT VEHICLE UNDER §
4 14-502(C)(1)(I) OF THE COMMERCIAL LAW ARTICLE.

5 4-402.

6 (a) Except as provided in §§ 4-401 and 4-404 of this subtitle, the District
7 Court does not have equity jurisdiction.

8 (b) Except as provided in § 4-401 of this subtitle, the District Court does not
9 have jurisdiction to decide the ownership of real property or of an interest in real
10 property.

11 (c) The District Court does not have jurisdiction to render a declaratory
12 judgment.

13 (d) (1) (i) Except in a case under paragraph (2), (4), (5), or (6) of § 4-401 of
14 this subtitle, the plaintiff may elect to file suit in the District Court or in a trial court
15 of general jurisdiction, if the amount in controversy exceeds \$2,500, exclusive of
16 prejudgment or postjudgment interest, costs, and attorney's fees if attorney's fees are
17 recoverable by law or contract.

18 (ii) In the case of a class action, the separate claims of the proposed
19 members of the class may be aggregated to meet the minimum amount in controversy
20 required under subparagraph (i) of this paragraph.

21 (2) In a case under § 4-401(7) or (8) of this subtitle, the plaintiff may
22 elect to file a petition for injunctive relief either in the District Court or the circuit
23 court.

24 (3) IN A CASE UNDER § 4-401(16) OF THIS SUBTITLE, THE PLAINTIFF MAY
25 ELECT TO FILE A CLAIM FOR A REPLACEMENT VEHICLE IN EITHER THE DISTRICT
26 COURT OR THE CIRCUIT COURT.

27 (e) (1) In a civil action in which the amount in controversy exceeds \$10,000,
28 exclusive of attorney's fees if attorney's fees are recoverable by law or contract, a party
29 may demand a jury trial pursuant to the Maryland Rules.

30 (2) Except in a replevin action, if a party is entitled to and files a timely
31 demand, in accordance with the Maryland Rules, for a jury trial, jurisdiction is
32 transferred forthwith and the record of the proceeding shall be transmitted to the
33 appropriate court. In a replevin action, if a party is entitled to and files a timely
34 demand for a jury trial, the District Court may conduct a hearing on the show cause
35 order prior to issuing the writ, enforce an injunction issued by it in the action, and
36 issue, renew, and receive returns upon the writ of replevin. The action shall be
37 transmitted to the appropriate court only after the writ has been returned, stating
38 that the property sought has been seized or elogned, and the time for filing a notice
39 of intention to defend has expired.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect October 1, 2001.