

# HOUSE BILL 547

C2

9lr0507  
CF SB 859

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By: **Delegates Stein, Burns, Cardin, DeBoy, Hecht, and Mathias**

Introduced and read first time: February 5, 2009

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2009

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Vehicle Laws – Advertising Practices – Prohibited Acts**

3 FOR the purpose of prohibiting a vehicle dealer or an agent or employee of a dealer  
4 from stating the purchase price of a vehicle in an advertisement unless ~~the~~  
5 ~~purchase price is printed in the largest font in the advertisement, the~~  
6 ~~advertisement identifies certain attributes of the vehicle, and the vehicle is~~  
7 ~~currently available for sale at the price stated in the advertisement; requiring~~  
8 ~~the price stated in an advertisement to be~~ the price is the full delivered  
9 purchase price of the vehicle, excluding certain taxes and fees, and including  
10 certain charges; requiring an advertisement that states specific purchase prices  
11 for a list of vehicles to state the purchase price in the appropriate column or  
12 space for each vehicle listed taxes, fees, and charges; requiring the full delivered  
13 purchase price in a vehicle advertisement to be printed using a certain font  
14 type; repealing a provision of law that provides that an advertisement that is  
15 subject to and complies with certain provisions of federal law is not false,  
16 deceptive, or misleading under certain provisions of law; and generally relating  
17 to the advertising practices of vehicle dealers.

18 BY repealing and reenacting, with amendments,  
19 Article – Transportation  
20 Section 15–313  
21 Annotated Code of Maryland  
22 (2006 Replacement Volume and 2008 Supplement)

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

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article - Transportation**

2 15-313.

3 (a) A dealer or an agent or employee of a dealer may not use any  
4 advertisement that is in any way false, deceptive, or misleading.

5 (b) A dealer or an agent or employee of a dealer may not by any means  
6 advertise or offer to the public any vehicle without intent to sell it as advertised or  
7 offered.

8 (c) ~~Any advertisement that is subject to and complies with the rules and~~  
9 ~~regulations of and statutes administered by the Federal Trade Commission is not~~  
10 ~~false, deceptive, or misleading under this section.~~

11 ~~(d) (1) A DEALER OR AN AGENT OR EMPLOYEE OF A DEALER MAY~~  
12 ~~DEALER:~~

13 (1) MAY NOT STATE THE PURCHASE PRICE OF A VEHICLE IN AN  
14 ADVERTISEMENT UNLESS:

15 ~~(I) THE PURCHASE PRICE IS PRINTED IN THE LARGEST~~  
16 ~~FONT USED IN THE ADVERTISEMENT;~~

17 ~~(II) THE ADVERTISEMENT CLEARLY IDENTIFIES THE~~  
18 ~~VEHICLE, INCLUDING MAKE, YEAR, MODEL, AND SPECIAL EQUIPMENT; AND~~

19 ~~(III) THE VEHICLE IS CURRENTLY AVAILABLE FOR SALE AT~~  
20 ~~THE ADVERTISED PURCHASE PRICE.~~

21 (2) ~~THE PRICE STATED IN AN ADVERTISEMENT SHALL:~~

22 ~~(I) BE THE PRICE IS THE FULL DELIVERED PURCHASE~~  
23 ~~PRICE OF THE VEHICLE, EXCLUDING TAXES AND TITLE FEES; AND ONLY TAXES,~~  
24 ~~TITLE FEES, AND ANY FREIGHT OR DEALER PROCESSING CHARGE DISCLOSED IN~~  
25 ~~ACCORDANCE WITH § 15-311.1 OF THIS SUBTITLE; AND~~

26 (2) SHALL PRINT THE FULL DELIVERED PURCHASE PRICE IN A  
27 VEHICLE ADVERTISEMENT IN THE LARGEST FONT USED IN THE  
28 ADVERTISEMENT TO PROVIDE ANY INFORMATION RELATED TO THE PRICE OF  
29 THE VEHICLE.

30 ~~(II) IN THE CASE OF A NEW VEHICLE, INCLUDE ANY DEALER~~  
31 ~~PROCESSING CHARGE AND FREIGHT CHARGE, UNLESS THE DEALER CLEARLY~~

1 ~~AND CONSPICUOUSLY DISCLOSES THE AMOUNT OF THESE CHARGES IN THE~~  
2 ~~ADVERTISEMENT AS REQUIRED BY § 15-311.1 OF THIS SUBTITLE.~~

3 ~~(3) IF AN ADVERTISEMENT STATES SPECIFIC PURCHASE PRICES~~  
4 ~~FOR A LIST OF VEHICLES, THE PURCHASE PRICE SHALL BE STATED IN THE~~  
5 ~~APPROPRIATE COLUMN OR SPACE FOR EACH VEHICLE LISTED.~~

6 ~~(E)~~ (D) (1) A dealer or an agent or employee of a dealer may not place  
7 on a vehicle an insignia, logo, or other plate that advertises the name of the dealer,  
8 unless:

9 (i) The contract of sale for the vehicle contains a notice of the  
10 rights of the buyer described in this subsection; and

11 (ii) The buyer of the vehicle consents to the placement of the  
12 insignia, logo, or other plate on the vehicle.

13 (2) A dealer or an agent or employee of a dealer may enter into an  
14 agreement with a buyer of a vehicle to compensate the buyer in exchange for the  
15 buyer's consent to the placement on the vehicle of an insignia, logo, or other plate that  
16 advertises the name of the dealer.

17 (3) If a dealer or an agent or employee of a dealer places an insignia,  
18 logo, or other plate that advertises the name of the dealer without obtaining a buyer's  
19 consent, the dealer shall, at the request of the buyer, remove the advertising and make  
20 all repairs necessary to restore the vehicle to its original appearance at no charge to  
21 the buyer.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2009.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.